

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 30, 2004

DIVISION ONE

B167036 Nosrati (Not for Publication)
v.
Marlowe Associates

The judgment is affirmed. The Marlowe firm is awarded its costs of appeal, including attorneys' fees in an amount to be determined by the trial court.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B161313 Taylor et al. (Not for Publication)
v.
Kuwatch

The judgment is reversed insofar as it finds that defendant defamed plaintiffs and awards damages and injunctive relief for such defamation. The judgment is affirmed insofar as it finds that defendant committed unfair business practices. The trial court is directed to fashion appropriate injunctive relief for the unfair business practices cause of action. Plaintiffs shall recover their costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

June 30, 2004 (Continued)

DIVISION ONE (Continued)

B166806 People (Not for Publication)
v.
Falcon et al.

The judgments are affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B165205 Wong et al. (Not for Publication)
v.
Yoss et al.

The judgment is reversed. The trial court is directed to vacate its order sustaining defendants' demurrer without leave to amend and to enter a new and different order overruling the demurrer. Plaintiffs are to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B165315 County of Los Angeles (Not for Publication)
v.
Granite State Insurance Company

The judgment is reversed. The matter is remanded to the trial court for entry of an order exonerating the bond. Granite State Insurance Company is entitled to its costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

June 30, 2004 (Continued)

DIVISION TWO

B170101 People (Not for Publication)
v.
Canada

The order under review is reversed and the matter is remanded for a hearing in accordance with the views expressed herein.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

[illegible]

The matter is remanded for a determination of attorney fees in connection with the Carvajals's opposition to the motion to vacate and on appeal. The judgment is otherwise affirmed. Johnson shall bear the Carvajals's costs of appeal.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B163194 Johnson (Not for Publication)
v.
Torrance Memorial Medical Center et al.

The judgment is reversed as to the trial court's order granting the Group and Dr. McKindsey and the Center's motions for summary judgment. Appellant shall receive costs of appeal.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B165665 General Motors Corporation et al. (Certified for Publication)
v.
Franchise Tax Board

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Ashmann-Gerst, J.

B167233 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B164011 Schapiro (Not for Publication)
v.
Morgan Creek Productions Inc. et al.

The judgment is affirmed, except with respect to the award of prejudgment compound interest. As to the award of prejudgment interest, the judgment is reversed and remanded to the trial court for calculation and imposition of prejudgment simple interest. The parties are ordered to bear their own costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B169874 Los Angeles County, D.C.S. (Not for Publication)
v.
Mary M.

The orders are affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B159003 Zernik, etc. (Not for Publication)
v.
University of Southern California, etc.

The judgment is affirmed. Zernik shall pay costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B167799 Kristine Renee H. (Certified for Publication)
v.
Superior Court, Los Angeles County (Lisa Ann R., r.p.i.)

The family court's order denying Kristine's motion to vacate the judgment of September 8, 2000, is reversed. Upon remand, the family court is directed to vacate that order and to enter a new order granting Kristine's motion to vacate. The family court is further directed, upon remand, to conduct, in accordance with the views expressed herein, such further proceedings and amendment of pleadings as are appropriate in order to resolve the issues of Lisa's parentage and her rights, if any, to visitation and/or custody. The parties shall bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

June 30, 2004 (Continued)

DIVISION THREE (Continued)

B174299 Arthur H. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Department of Children and Family Services, r.p.i.)

The petitions are denied. The request for a stay is denied.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FIVE

B152759 Peggy J. Soukup et al (Not for Publication)
v.
Herbert Hafif et al.

The November 16 and 27, 2001, orders denying the special motions to strike are reversed. Upon issuance of the remittitur, orders are to issue granting all special motions to strike. Defendants, Wylie A. Aitken, the Law Offices of Wylie A. Aitken, the Law Offices of Herbert Hafif, Herbert Hafif, Cynthia D. Hafif, and Greg K. Hafif, are to recover their costs on appeal and attorney fees from plaintiff, Peggy J. Soukup, subject to the limitation adverted to in the first paragraph of this opinion. Likewise, the Hafif defendants are to recover their costs and attorney fees from plaintiff, Terry Hutton. All attorney fee requests are to be made pursuant to California Rules of Court, rule 870.2(c).

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

B170303 People (Not for Publication)
v.
Diaz

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B166559 Oberman (Not for Publication)
v.
Pleasant Valley School District

The judgment is affirmed. Costs to respondents.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B172309 Cruz et al. (Certified for Publication)

v.

Superior Court, Los Angeles County
(Ayromloo, r.p.i.)

Let a peremptory writ of mandate issue, commanding respondent Los Angeles Superior Court to vacate its orders denying petitioners' fee waiver applications, made without first conducting an evidentiary hearing, and to enter new orders granting the affected applications at least 10 days' written notice of an evidentiary hearing to determine their eligibility to proceed in forma pauperis under section 68511.3, subdivision (a)(6)(C). Petitioners are to recover their costs in this writ proceeding.

Perluss, P.J.

We concur: Johnson, J.
Zelon, J.

B166253 Harris et al.

v.

Interscope Records et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

Court convened at 9:03 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B167064 People v. Daniel G.

B168064 People v. Castro

B168242 People v. Vega

B170692 DCFS v. Melina C., Andre M.

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B167750 People
 v.
 Sideris

Merits:
Argued by Sheila T. Keiter for appellant and by Gary Lieberman, Deputy Attorney General for respondent. Cause submitted.

B164243 People
 v.
 Brandon and Pickens

Merits:
Argued by Maxine Weksler for appellant and by Gary A. Lieberman, Deputy Attorney General for respondent. No appearance by Susan Keiser for appellant Pickens. Cause submitted.

B166525 Ewing et al.
 v.
 Northridge Hospital Medical Center

Merits:
Argued by Edmund Clarke, Jr., for appellant and by Sandra F. Winter for respondent. Cause submitted.

B169326 Moore
 v.
 Los Angeles Metropolitan Transportation Authority

Merits:
Argued by Shirley Raven Moore, appellant in propria persona and by Richard Chastang, Deputy County Counsel for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B174429 Markey, III
 v.
 Superior Court, Los Angeles County
 (Jonathan Club, r.p.i.)

Merits:

Argued by Robert M. Dato for petitioner and by John R. Shiner for real party in interest. Cause submitted.

B170099 Skobin
 v.
 County Of Los Angeles et al.,
 Beverly Healthcare

Merits:

Argued by Jeffrey Lustman for appellant and by David Pruett, Suzanne De Rosa, Matthew Pascale and Donna Koch, Senior Deputy County Counsel for respondents. Cause submitted.

B165439 People
 v.
 Dillihunt

Oral argument continued to July 28, 2004, at 9:00 a.m.

Each of the following:

B160037 City Of Pasadena v. Foundation For Taxpayer
B162530 City Of Pasadena v. Foundation For Taxpayer
B159223 City Of Santa Monica v. Heller et al.,
B164338 People v. Humphrey

Oral argument continued to September 29, 2004, at 9:00 a.m.

June 30, 2004 (Continued)

DIVISION EIGHT (Continued)

B165962 Brown v. CSK Auto

Oral argument continued to July 27, 2004, at 1:00 p.m.

Court recessed at 11:36 a.m.

Court reconvened at 1:09 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

B162071 Venti v. Balderrama

B168001 Venti v. City Of Monterey et al.

Merits:

Argued by Kenneth S. Klein for appellants and by Seong Hwan Kim for respondents and appearing but presenting no oral argument Steven Young and Marisa Westervett. Cause submitted.

B166838 People
v.
Rivera

Merits:

Argued by Janice M. Lagerlof for appellant and by Scott A. Taryle, Deputy Attorney General for respondent. Cause submitted.

B170660 Sheppard
v.
County Of Los Angeles

Merits:

Argued by Henry Patrick Nelson for appellant and by Sandord S. Baddin for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B161872 Bertram et al.
 v.
 Vouis

Merits:
Argued by M. Lawrence Lallande for Plaintiffs/Appellants/Respondents
and by Daniel Pruett for Defendant/Respondent/Appellant. Cause
submitted.

B165317 Jones
 v.
 Mayer

Merits:
Argued by George Coleman for appellant and by Timothy Aires for
respondent. In open court the parties were directed to file supplemental
letter briefs. Appellant's brief due 10 days from today's date and
respondent's brief due 10 days thereafter. Matter to be submitted upon the
filing of the last brief.

B170659 Vega
 v.
 Jones, Day, Reavis & Pogue

Merits:
Argued by Manuel R. Ramos for appellant and by James P. Fogelman for
respondent. Cause submitted.

B166794 Hermans
 v.
 Rooke et al.

Merits:
Argued by Steven Roseman for appellant and by Linda Pierce for
respondents. Cause submitted.

June 30, 2004 (Continued)

DIVISION EIGHT (Continued)

B168103 Huscher
 v.
 Wells Fargo Bank
 Memorial Medical Center

Merits:

Argued by Barry L. Adams for appellant and by Jack I. Samet and D.
Michael Trainotti for respondents. Cause submitted.

Court adjourned at 4:33 P.M.